REMARKS

The Rejections Under 35 USC §112

Claims 31-38 had been rejected under 35 USC §112 as indefinite. Applicants have amended claims 31-35 so that they now depend from claim 30 which provides the proper antecedent basis for the terms "the positioning guide" in claims 31-34 and "ion guide rods" in claims 34-38. Applicants accordingly request withdrawal of the rejection and reconsideration of the claims.

The Rejections Under 35 USC §102(b)

Claims 46-47 had been rejected under §102(b) as anticipated by Biemann et al. Applicants have amended claims 46 and 47 by changing the term "substrate" to "compact disc" to highlight the difference between Biemann and the invention that lies in the fact that Biemann does not use and cannot use a compact disc such as the compact disc of the invention. The compact disc according to the invention is preferably plastic. As mentioned explicitly on page 11 lines 30 et seq. of the specification, CDs for use in the invention *"are preferably provided with a clear polycarbonate surface, such as a surface of LEXAN® clear plastic sheeting."* The discs of Biemann are intended for use in both optical systems and in mass spectrometry. They are specifically metallic, preferable coated with aluminum or gold to enhance reflectivity (col. 5, lines 3-6). Discs as in Biemann are necessarily metallic owing to the fact that the primary consideration is maximizing their suitability for IR spectrosopy. By contrast, the Inventors have found that polycarbonate plastic covered discs such as those of the invention are optimal for mass spectrometry. Biemann, although

mentioning the possibility of mass spectrometry in his disclosure is guided by the consideration of maximizing the suitability for optical analysis and does not disclose such a plastic CD. Accordingly, Applicants request withdrawal of the rejection and reconsideration of the claims.

Claims 1,21,23,27,42, and 46 had been rejected as anticipated by Gordon. Applicants have amended the claims to narrow the scope of the claimed invention to an apparatus for examining and inspecting samples using the technique of mass spectrometry. The teaching of Gordon is directed to an apparatus and method for optical analysis (e.g. color staining using ELISA, techniques such as fluorescence and gold labeling, etc.) Applicants' amended claims no longer extend to techniques other than mass spectrometry and as such are not anticipated by the optical systems with which Gordon is concerned. Applicants accordingly request withdrawal of the rejection and reconsideration of the claims.

The Rejections Under 35 USC §103

Claims 1-10,20-22,24-26,27-29,32,39,40,41,43,44,45, and 48 were rejected under 35 USC §103 as obvious over Biemann. Applicants strongly contend that the rejection is in error for the following reasons. First, as mentioned above, the compacts discs taught by Biemann are different from those of the invention. Compact discs according to Biemann are metallic (col. 5, lines 3-6), optimized for IR spectroscopy and possess a spiral track (col. 5, lines 8-10) . Movement of Biemann's discs is rotational and occurs by means of a drive unit (col.5, lines 40-42). By contrast, compact discs of

the invention are plastic coated (page 11. line 30 et. seq.), having samples arrayed over the surface of the disc. Movement of the disc according to the invention is also rotational, occurring through the disc drive (ref. no. 12, specification page 9, line 19-21). However, as Applicants' specification makes clear, any specific point on the surface of the disc (i.e. as a pair of (x,y) coordinates) can be reached by the inspection means, owing to the fact that, unlike Biemann, Applicants' invention features translational motion. Applicants' invention incorporates translation motion in two ways. As stated on page 9, lines 9-13 of the specification, in one preferred embodiment the inspection means can be attached to a guide track or the like and and can be moved along x-y coordinates. In another preferred embodiment, the inspection means can be kept in a fixed position and the whole CD drive mechanism translated so as to access all positions from the center of the disc.

Because of the aforementioned differences between the conception of the CD, and the fact that the invention features both rotational and translational motion, it would not have been obvious for one ordinarily skilled in the art to use alter the metallic discs of Biemann by coating them with polycarbonate plastic to optimize them for mass spectrometry. Nor would it have been obvious, based on the spiral track of Biemann's CDs and the conception of rotational-only CD motion using a "conventional" CD-drive, to adapt either the inspection means for translational movement along rectilinear directions or the CD drive to move translationally from the center of the CD to its outer edge, so that any point on the CD surface could be reached by the inspection means. Accordingly, Applicants strongly assert that the present invention is non-obvious over

Biemann and request withdrawal of the rejection and reconsideration of the claims.

CONCLUSION

No fees are believed to be necessitated by the foregoing Response and Amendment. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

Respectfully submitted,

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